

Amendment No. 2 to HB0109

Sargent  
Signature of Sponsor

**AMEND Senate Bill No. 1134**

**House Bill No. 109\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(g)(1), is amended by deleting the language "one-half (1/2) ounce (14.175 grams)" and substituting instead the language "one (1) ounce (28.350 grams)".

SECTION 2. Tennessee Code Annotated, Section 39-17-418(a), is amended by deleting the language "controlled substance" and substituting instead "controlled substance except marijuana as defined in subdivision (b)(3)(B)".

SECTION 3. Tennessee Code Annotated, Section 39-17-418(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)

(1) It is an offense for a person to sell or distribute a small amount of marijuana not in excess of one (1) ounce (28.350 grams).

(2) It is an offense for a person to knowingly possess or casually exchange marijuana.

(3) As used in this subsection (b):

(A) "Casually exchange" means the spontaneous passing of a small amount of marijuana that does not involve, in exchange for the marijuana, the payment of money or a gift card, debit card, credit card, or any other card, coupon, or token that is capable of being exchanged for money, merchandise, or goods; and

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(B) "Marijuana" means marijuana in the form of a plant and does not mean marijuana in any other form, including, but not limited to, a resin, compound, derivative, concentrate, or oil.

SECTION 4. Tennessee Code Annotated, Section 39-17-419, is amended by deleting the language "It may be inferred" and substituting instead the language "Except as provided in subsection (b), it may be inferred".

SECTION 5. Tennessee Code Annotated, Section 39-17-419, is amended by redesignating the current language as subsection (a) and adding the following language as a new subsection:

(b) The purpose to sell or otherwise dispense shall not be inferred solely from the possession or casual exchange of less than one (1) ounce of marijuana.

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it.